



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 05-1630

Released: June 8, 2005

NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 05-168

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(5) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing, where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

Domestic Section 214 Application Filed for Transfer of Control *Nunc Pro Tunc* of Empire One Telecommunications, Inc., Debtor-In-Possession, to Empire One Telecommunications, Inc., WC Docket No. 05-168, DA 05-1356 (rel. May 16, 2005)

On May 16, 2005, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving the transfer of control *nunc pro tunc* of Empire One Telecommunications, Inc., Debtor-In-Possession, to Empire One Telecommunications, Inc. (collectively, the "Applicants").³ On June 3, 2005, the United States Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI") and with the concurrence of the United States Department of Homeland Security ("DHS") (collectively, the "Agencies"), filed with the Commission a request that grant of this application be deferred

¹ 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed for Transfer of Control Nunc Pro Tunc of Empire One Telecommunications, Inc., Debtor-In-Possession, to Empire One Telecommunications, Inc.*, WC Docket No. 05-168, Public Notice, DA 05-1356 (rel. May 16, 2005)

while the Agencies and Applicants address potential national security, law enforcement, and public safety issues.⁴

This application is being removed from streamlined review in response to the request filed by the Agencies. Final action on the application should be expected once the Commission has received notification from the Agencies that the evaluation has been completed, but in no event later than 180 days from public notice that the applications were accepted for filing.⁵ The Agencies indicate that they will advise the Commission promptly upon completion of their review.⁶

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394 or Terri Natoli, Competition Policy Division, Wireline Competition Bureau at (202) 418-1574.

⁴ See Letter to Marlene H. Dortch, Federal Communications Commission, from Laura H. Parsky, Deputy Assistant Attorney General, DOJ, Re: WC Docket No. 05-168, *Domestic Section 214 Application Filed for Transfer of Control Nunc Pro Tunc of Empire One Telecommunications, Inc., Debtor-In-Possession, to Empire One Telecommunications, Inc.*, (dated June 3, 2005) (Request to Defer Letter).

⁵ See 47 C.F.R. § 63.03(c)(2).

⁶ Request to Defer Letter at 1.